

11 November 1977

MEMORANDUM FOR: Chief of Operations
Personnel Security and Investigations

VIA: Chief, Security Analysis Group

FROM: [REDACTED]


SUBJECT: Meeting on "Intelligence Activities and
Individual Rights Act of 1977"

1. On 10 November 1977, [REDACTED] and the undersigned represented the Office of Security at a meeting called to discuss the draft of the "Intelligence Activities and Individual Rights Act of 1977." Other attendees included representatives of OLC, OGC and several senior members of the DDO. There were five representatives from the staff of the Senate Intelligence Committee at this meeting. One of these, Mr. John Elliff, assumed the role of Chairman and he opened the meeting by stating his desire and that of the other Staff members to obtain as much input as possible from the Agency as to how the proposed language of this Act will effect Agency activities. Mr. Elliff also noted that this meeting was just one of a continuing series of meetings on this same subject and that three to five meetings have already been held since June.

2. At the start, [REDACTED] of the DDO pointed out that the DDO had great difficulty with the Act. He said he based this statement on the fact that senior members of that Directorate had debated the meaning of first definition contained in the Act for almost two hours and that they still couldn't reach an agreement as to the meaning. With this as a preface, he stated that he saw great difficulty in reaching an overall consensus or agreement with the Staff members. Mr. Elliff responded by saying he recognized the difficulties regarding the definitions and he stated that the Senate Staff members would, in the near future, be working closely with the Agency's legal staffs to arrive at more precise and meaningful definitions. Mr. Elliff said he recognized that there would have to be an agreement in the area of definitions before there could be a worthwhile discussion of this Act.

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3. After the problem regarding definitions was recognized, the meeting assumed a different tone, with the Staff members asking the DDO representatives hypothetical questions geared mainly to the targetting and utilization of American citizens in FI and CI operations. Of note was the stated opinion of the Senate Staff members that the DDO should be involving



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4. Questions of the above noted nature took up most of the meeting and it was noted that the main thrust of concern by the Senate Staff members seemed geared to DDO activities. [REDACTED] Deputy Chief, FRD, was the prime respondent for the DDO and he went to great lengths to explain the DDO's activities as they involve U.S. "persons." There seemed to be a definite lack of understanding by the Senate Staff members about the DDO and its activities. It also must be noted that there seemed to be a sincere desire, at least on the part of Mr. Elliff, to gain a better understanding in this area.

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5. At one stage, Mr. Elliff pointed out that this Act was just one of several effecting the Intelligence Community which would be coming forth from the Senate in the form of legislation. He noted that there will be subsequent Acts concerning the role and authority of the Director, an Act for NSA, an Act for the CIA, an Act for Military Intelligence, and possibly one concerning the Overhead Reconnaissance Programs. He said that much of this Act presently under review, as well as the planned separate Act for the CIA, will be greatly dependent on the language used in the upcoming revised edition of Executive Order 11905. Of note was Elliff's comment that several of the Senate Staff members have been "on loan" to the Executive Branch for the express purpose of rewriting EO 11905. From this statement, it may safely be said that the language in the "new" EO 11905 will provide a good insight into the future legislation which will be written concerning this Agency.

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[REDACTED] the time frame in which a threat against an Agency facility is received would be the determining factor in whether this Office could utilize the liaison efforts of the FBI. As the meeting was terminating, Mr. Elliff also advised [REDACTED] that the future legislation being considered would directly address the issues of the Agency's use of the polygraph, the conduct of its investigations and other matters of security importance.

7. In sum, this meeting was directed almost solely to the DDO's conduct of FI and CI activities involving U.S. persons and the impact of this presently considered Act upon those activities. From the lack of resolution regarding the definitions and from the general lack of direction to the overall meeting, it is almost impossible to tell whether this Act will have any major impact on the Office of Security. Precisely because of the inability of all concerned to reach agreement regarding such a basic and all important matter as the definitions in the Act, it is deemed advisable that ongoing scrutiny be provided to monitor subsequent meetings which will be held on this Act. It is, therefore, recommended that senior officials of this Office, through coordination with OLC and OGC, obtain such access and input into the ongoing drafting of this Act. It is also the opinion here that a meeting between senior officials of this Office and the Senate Staff members, separate from DDO participation, would be beneficial in ascertaining what, if any, effect the Staff members envision this Act as having on the Office of Security's activities.

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Approved For Release 2002/01/08 : CIA-RDP85-00821R000100050003-8

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